

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: LOOKER et al.

Confirmation No.: 8757

Application No.: 10/506,339
(Now U. S. Patent No. 7,354,966 issued
April 8, 2008)

Group Art Unit: 1616

Filing Date: May 11, 2005

Examiner: J. Alstrum Acevedo

Title: COMPOUNDS FOR USE AS SURFACTANTS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER § 1.705(b)**

Sir:

Applicants note that the 191 days of Patent Term Adjustment (PTA) as indicated on the Issue Notification dated March 19, 2008 for the above-captioned application disagrees with Applicants' own calculation of PTA.

The calculation of PTA days should be 308 days in credits and 0 days in debits.

The U. S. Patent and Trademark Office's Patent Term Adjustment History as indicated in the Patent Application Information Retrieval (PAIR) system (copy attached) shows a 117-day debit of Patent Term Adjustment due to a Miscellaneous Incoming Letter filed December 14, 2007. Applicants note that a Communication was filed on December 14, 2007 as the result of a telephone conversation with Examiner Alstrum Acevedo on December 14, 2007.

During the telephone conference with Examiner Acevedo on December 14, 2007, Applicants discovered that none of the references cited in the International

Search Report and listed on the Form PTO-1449 filed with the application on September 1, 2004 had been retrieved from the International Searching Authority by the Examiner for consideration (see PCT Article 20(3)). Accordingly, pursuant to the request of the Examiner, copies of the cited references were provided to the Examiner by the Applicants as a courtesy so that the references could be considered by the Examiner.

In the Non-Final Office Action of May 15, 2007, the Examiner indicated that none of the references cited in the Information Disclosure Statement were considered because the foreign patent documents were not provided. In Applicants' response filed August 9, 2007, Applicants advised the Examiner that copies of the references cited in the International Search Report should have been supplied by the International Bureau and requested that the Examiner consider the cited references. In addition, Applicants further requested that the Examiner advise them if the documents had not been received from the International Bureau. Since no further communication was received from the Examiner in connection with the cited references, Applicants assumed that the Examiner had retrieved copies of the cited references in accordance with PCT Article 20(3).

On November 14, 2007, a Notice of Allowance was mailed by the U. S. Patent and Trademark Office, which Notice included an indication of 308 days of PTA. No indication that the references cited in the Information Disclosure Statement filed with the application on September 14, 2005 was included with the Notice of Allowance.

Accordingly, as noted above, pursuant to a telephone conference with Examiner Acevedo on December 14, 2007, copies of the cited references were supplied to the Examiner.

Subsequently, Applicants received the Issue Notification dated March 19, 2008, which included an indication of 191 days in the PTA.

Therefore, in accordance with § 1.704(c)(8), the 117 days of debit in the PTA was done in error.

In view of the above, Applicants hereby request that the U.S. Patent and Trademark Office correct the calculation of the Patent Term Adjustment for the present patent to **308 days**.

The present application is not subject to any Terminal Disclaimer and any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).


PAYMENT OF FEES

The Commissioner is hereby authorized to charge the required fees or credit any overpayment to Deposit Account No. 07-1392.

Should any further questions arise, Applicants encourage the U. S. Patent and Trademark Office to contact the undersigned at (919) 483-1577.

Respectfully submitted,

Date: 29 May, 2008


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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/506,339

Filing or 371(c) Date:	05-11-2005	USPTO Delay (PTO) Delay (days):	308
Issue Date of Patent:	04-08-2008	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	117
Post-Issue Petitions (days):	+0	Total PTA (days):	191
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
04-08-2008	Patent Issue Date Used in PTA Calculation		
02-27-2008	Dispatch to FDC		
02-27-2008	Application Is Considered Ready for Issue		
02-13-2008	Issue Fee Payment Verified		
02-13-2008	Issue Fee Payment Received		
12-14-2007	Miscellaneous Incoming Letter		117
11-15-2007	Electronic Review		↑
11-14-2007	Mail Notice of Allowance		↑
11-08-2007	Notice of Allowance Data Verification Completed		↑
11-08-2007	Case Docketed to Examiner in GAU		↑
11-08-2007	Document Verification		↑
08-11-2007	Date Forwarded to Examiner		↑
08-09-2007	Response after Non-Final Action		↑
05-15-2007	Mail Non-Final Rejection	308	
05-14-2007	Non-Final Rejection	↑	
02-16-2006	Information Disclosure Statement considered	↑	
02-16-2006	Reference capture on IDS	↑	
02-16-2006	Information Disclosure Statement (IDS) Filed	↑	
02-16-2006	Information Disclosure Statement (IDS) Filed	↑	
10-28-2005	IFW TSS Processing by Tech Center Complete	↑	
10-28-2005	Case Docketed to Examiner in GAU	↑	
09-20-2005	Cleared by OIPE CSR	↑	
09-20-2005	Cleared by OIPE CSR	↑	
09-20-2005	Cleared by OIPE CSR	↑	
09-20-2005	Cleared by OIPE CSR	↑	
05-11-2005	371 Completion Date	↑	
09-14-2005	Application Dispatched from OIPE	↑	
09-14-2005	Notice of DO/EO Acceptance Mailed	↑	
05-11-2005	Additional Application Filing Fees	↑	
05-11-2005	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	